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## TOWN OF SUTTON PLANNING BOARD & DEPARTMENT

### MEMORANDUM

TO: Planning Board

FROM: Jen Hager,  
Planning & Economic Development Director *JSH*

DATE: October 21, 2022

RE: 3 Lackey Dam Road – Permit Action Process

General: The Board has three choices for action on each permit submitted by the applicant: 1) disapprove the application stating in detail reasons for disapproval with reference to provisions of the bylaws to which the application does not comply; 2) approve the application with conditions intended to ensure the project complies/continues to comply with bylaws; 3) approve the application with no conditions.

Should the Board choose to approve any of these applications I would recommend this only be done with conditions. I have attached a list of minimum conditions.

I have listed the requested permits in the recommend order of action. In some cases, if the Board disapproves an application, then various subsequent applications should also be disapproved as noted.

#### **III.A. 4. Table 1. F.6. & VII.A.2.- Special Permit – Warehouse with Distribution Use**

If the Board disapproves the use, then all other permits should also be disapproved as they tie in directly to the proposed use of this land.

Before acting on this request, the Board must make findings with respect to the following criteria:

1. The appropriateness of the specific site as a location for the use;
2. The adequacy of public sewerage and water systems;
3. The effect of the developed use upon the neighborhood;
4. Whether there will be undue nuisance or serious hazard to vehicles or pedestrians; and,

5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition.

The applicant has provided specific reasoning and documentation within their filing, with respect to the required findings including those contained in their May 16, 2022 filing letter (attached).

The Board may wish to include additional findings of their own beyond those asserted by the applicant.

Factual/filing information related to required findings:

1. The appropriateness of the specific site as a location for the use;  
Town Meeting designated the area as the Office Light Industrial District Zoned for Industry since 1955. Previous use commercial earth removal.
2. The adequacy of public sewerage and water systems;  
Sewer – Title V on-site system.  
Whitinsville Water District – Adequate capacity. Will pay for any lines to tie into system.
3. The effect of the developed use upon the neighborhood;  
Applicant has provided information related to various effects, including but not limited to lighting, sound, aesthetics, drainage, and traffic.  
Effects of this use have been confirmed via the Towns consulting engineers to be compliant with State and local regulations.  
The Board intends to enact and enforce certain conditions to ensure continued compliance with these regulations.
4. Whether there will be undue nuisance or serious hazard to vehicles or pedestrians; and,  
Applicant has assessed and provided information related to vehicular and pedestrian traffic.  
Provisions to ensure no undue nuisance and hazard to vehicles and pedestrians have been evaluated and provided.  
Through the Towns consulting engineers these studies and proposed measures have been found to be consistent with proven industry standards and compliant with State and local regulations.  
The Board intends to enact and enforce certain conditions to ensure continued compliance with these standards and regulations.
5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition.  
The applicant had provided detailed site plans showing building, parking, loading, circulation and operational components for this use.  
The Towns staff and consulting engineers have found these provisions to be compliant with State and local regulations and adequate for the proper operation of this use.  
The Board intends to enact and enforce certain conditions to ensure continued compliance with these standards and regulations.

### **III.B.3. Table 3 – Footnote \*\* & VII.A.2. - Special Permit – Building Height in Excess of 35'**

This application may be disapproved without effecting other applications before the Board. However, a condition must be added that the height of the building must be reduced to 35' prior to plan endorsement by the Board.

Before acting on this request, the Board must make findings with respect to the following criteria as they relate to a height increase with or without conditions.

1. The appropriateness of the specific site as a location for the use;
2. The adequacy of public sewerage and water systems;
3. The effect of the developed use upon the neighborhood;
4. Whether there will be undue nuisance or serious hazard to vehicles or pedestrians; and,
5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition.

Factual/filing information related to required findings:

1. The appropriateness of the specific site as a location for the use AT THE INCREASED HEIGHT:  
Town Meeting approved a possible height exceedance to 70'.  
The closest home to this structure is hundreds of feet away with ample vegetation in between.  
The Board intends to enact and enforce certain conditions to ensure continued compliance with these regulations.
2. The adequacy of public sewerage and water systems AS IT PERTAINS TO INCREASED HEIGHT:  
There is adequate water and sewer capacity that will not be effected by the increased height.
3. The effect of the developed use upon the neighborhood AT THE INCREASED HEIGHT:  
The closest home to this structure is hundreds of feet away with ample vegetation in between.  
The Board intends to enact and enforce certain conditions to ensure continued compliance with these regulations.
4. Whether there will be undue nuisance or serious hazard to vehicles or pedestrians AS IT PERTAINS TO INCREASED HEIGHT:  
The minor increase in height will not have any effect on vehicular or pedestrian traffic or safety.
5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition AT THE INCREASED HEIGHT:  
The applicant had provided detailed site plans showing building, parking, loading, circulation and operational components for this use.  
See the applicants statement about the need for increased height and its positive effect on operations.

#### **IV.C. - Site Plan Review**

If the Board disapproves this application, then all other permits should also be disapproved as they will effectively be void regardless.

### 3 Lackey Dam - Minimum Conditions

#### General Conditions:

1. Those components of the project within the Town of Uxbridge must be approved by the Uxbridge Planning Board and any other applicable Uxbridge permitting authorities.
2. This site plan approval authorizes only the Project as described in the record plans and documents and hearing testimony. Any proposed material change to the use, intensity, size, configuration or footprint of the Project and/or site improvements serving the Project shall require an amendment of this decision subject to the same submittal, review, and hearing procedures as was the original filing.
3. Within a month of the appeal period concluding, the applicant shall provide a final set of plans with waivers granted and conditions of approval on the plan set for the Board's endorsement as the record set of plans upon which construction shall be based.
4. Construction shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m. and Saturdays, 7:00 a.m. to 12 p.m, and shall exclude Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas. From November 15<sup>th</sup> to April 1<sup>st</sup> equipment may be started at 6:30 a.m. but no construction may commence until 7:00 a.m.
5. During any construction, the Applicant shall maintain all feasible and reasonable means of dust control and shall collect all debris daily.
6. The Applicant shall implement measures to ensure that noise during construction activities does not exceed acceptable levels, as set forth by Federal and State regulatory agencies. The Applicant shall cease any excessively loud during construction activities when directed by a duly appointed agent of the Board. No excessively loud activities are permitted prior to 7:00 AM or after 5:00 PM.
7. The Board reserves the right to review Sutton landscaping within a year of installation for the purpose of adding plants or screening materials which may be reasonably necessary to complete the intended aesthetics and screening.
8. The Board reserves the right to review lighting located within Sutton or effecting Sutton and require adjustments if they find it to be a danger or nuisance.
9. There will be no outdoor storage of any kind except temporarily within trailer backs in a manner consistent with distribution facility operations.
10. All construction equipment utilized to construct the Project shall be outfitted with manufacturer approved silencing equipment including mufflers and skirts.
11. The Applicant shall employ quiet building equipment and erection systems to minimize sound transmitted to nearby residences.
12. If issues arise with sound emanating from the site, the Board reserves the right to require additional mitigation.
13. The Applicant, shall provide the Sutton Planning Board and Chief of Police with appropriate contact information for local and regional operations staff of any tenant, and shall update the information as necessary.
14. The applicant shall apply for and receive the appropriate Earth Disturbance & Removal Permit. Any blasting on the site will require a minimum two-week advance notification of the certified abutters and the Planning and Police Departments, in addition to all required coordination with the local Fire Departments. Notification shall include at a minimum expected duration of operations, number of blasts per day with approximate

- times, and contact names for the appropriate individuals on the applicants team and information should abutters have any questions.
15. The Applicant shall provide post occupancy traffic monitoring studies for the Project. The monitoring shall be annual reviews of the traffic counts and conditions at the intersections identified in the record traffic study, commencing six (6) months after initial occupancy and terminating three (3) years after full occupancy. In the event the monitoring study demonstrates an increase in peak hour traffic volumes that is directly and predominately identified as being generated from this Project (as opposed to other significant developments in the area or background traffic growth) of a material nature (defined as more than 25% for trailer truck and 10% for vans above the estimated peak hour site related traffic volumes as set forth in TIAS, the Town of Uxbridge or Sutton may retain a qualified traffic engineer firm having an office in the Commonwealth of Massachusetts to conduct a peer review of Tenants monitoring report and recommend additional and mutually agreeable traffic impact mitigation measures to be implemented by the Applicant or, where appropriate, by one or more of the identified communities with reimbursement from the Applicant. The Applicant shall be required to implement or reimburse the applicable community for such costs within thirty (30) days of the accounting provided by the respective communities of the detailed costs expended by the communities. Where necessary, the Applicant agrees to make applications to appropriate agencies and board to obtain necessary approvals, and/or to cooperate with such applications, if such permits or permissions are necessary to construct or implement the recommendations of the peer reviewer. The Board and the Applicant acknowledge that some recommendations may exceed the Board's authority to permit or impose as a condition, such as signalization or other infrastructure improvements. Notwithstanding, the Applicant agrees to pursue such measures, if recommended, with reasonable diligence and subject to the limitations set forth herein.
  16. Once a building occupant and/or subsequent tenant (s) are known, a written statement of the proposed user and their operational characteristics shall be submitted to the Planning Board. In the event that the characteristics demonstrates additional truck or employee parking is necessary, an amended Site Plan shall be submitted and approved and this parking and any related landscaping shall be constructed prior to this tenants' occupancy.

Prior to Commencement of Construction:

17. The Applicant shall prepare and submit for the Board's approval a construction traffic management plan which, at a minimum, shall address construction truck routes, contractor parking, staging areas, hours of operation, determination of need for police details during each identified construction phase.
18. All required approvals and/or permits shall be received from applicable permitting authorities.
19. A pre-construction meeting shall be held with the Planning Director and other Town staff as appropriate, the Town's consulting engineer, the applicant and/or his representative, the applicant's engineer, and the applicant's construction supervisor for this site. Minutes shall be drafted by the Town's consulting engineer and provided to all parties in attendance within 48 hours for approval prior to construction start to ensure all parties are in agreement.

20. The applicant will provide a minimum of one week's notice and review staked limits of clearing with Planning Board representative.

Prior to Issuance of Building or Sign Permits:

21. Prior to issuance of permits for signage within the Town of Sutton the applicant shall submit any signage not shown on the Site Plan to the Planning Board. The Board shall review and act on the signage for compliance with the Sign Bylaw.

Prior to Issuance of Occupancy Permits:

22. Prior to issuance of a certificate of occupancy, security systems and all necessary amplifiers shall be installed as required by the Police and Fire Chiefs.
23. The applicant shall reach out to residents across from the main driveway on Lackey Dam Road to inquire if they wish to be provided with a reasonable means to limit headlight trespass.
24. Not less than thirty (30) days prior to commencement of occupation by any user or users a written statement of the proposed user and their traffic operational characteristics. In the event that the characteristics demonstrates an increase in estimated peak hour site related traffic volumes that is materially (more than 25% for trailer truck and 10% for vans) greater than projected in the TIAS, any of the Towns of Uxbridge or Sutton may retain a traffic engineer firm having an office in the Commonwealth of Massachusetts to conduct a peer review of Tenants written statement to determine if the additional traffic, attributable to the site, results in unanticipated traffic impacts. If additional impacts attributable to the site are identified, the peer reviewer would recommend additional and mutually agreeable traffic impact mitigation measures to be implemented by the Applicant or, where appropriate, by one or more of the identified communities with reimbursement from the Applicant. The Applicant shall be required to reimburse the applicable community for such costs within twelve (12) months of the issuance of a certificate of occupancy for such tenant. The completion of the traffic review by any of the named communities shall not be deemed a condition to the tenant taking occupancy or commencing its use at the Project. Where necessary, the Applicant agrees to make applications to appropriate agencies and board to obtain necessary approvals, and/or to cooperate with such applications, if such permits or permissions are necessary to construct or implement the recommendations of the peer reviewer. The Board and the Applicant acknowledge that some recommendations may exceed the Board's authority to permit or impose as a condition, such as signalization or other infrastructure improvements. Notwithstanding, the Applicant agrees to pursue such measures, if recommended, with reasonable diligence and subject to the limitations set forth herein.
25. Prior to issuance of a certificate of occupancy on any building, the Applicant shall submit to the Planning Board and receive approval for an As-Built Plan and written certification from the Project's engineer that the site and all infrastructure to serve this area of the site has been constructed substantially in accordance with the Site Plan.
26. Prior to issuance of occupancy on any structure a knox box with building access keys and/or codes, a building layout plan and emergency contract shall be installed to the satisfaction of the Fire Department.

27. All exterior doors and roof access shall be marked on the interior and exterior with reflective, sequential numbering that is reflected on the building layout plans in the Knox box.
28. The Fire Departments shall be given the opportunity to tour the building to orient themselves with the new structure.
29. The building occupant shall detail the method and location of snow removal from trucks.
30. If not completed or scheduled to occur imminently, the applicant shall ensure that at the Lackey Dam/Route 146 ramp system, pavement markings are refreshed with retroreflective striping and directional sign locations for turns to and from the ramps are reviewed and modified to provide clearer guidance to motorists.

#### Site Maintenance

31. The Applicant shall ensure proper maintenance of plantings on the site, including immediate replacement of dead or diseased plantings unless it is winter or summer, in which case in the following planting season.
32. No sodium based de-icing agents shall be utilized on the Site. Agents such as potassium chloride or calcium chloride are deemed acceptable for usage at the Site.
33. The applicant shall submit and O&M plan for the site drainage systems. Inspection and maintenance shall be performed in accordance with the recommended schedule and a written report shall be prepared by the inspector, including any required correction actions to be taken, such report to be submitted to the Planning Board within fourteen business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense.